## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION No. 5:10-CV-118-D

OWEN HARTY,	)	
Plaintiff,	)	
v.	)	ORDER
ADVANCE AUTO PARTS, INC.,	)	
Defendant.	)	

On July 7, 2010, defendant filed a motion to dismiss plaintiff's complaint [D.E. 13]. Plaintiff responded in opposition [D.E. 15] and also filed a motion for leave to file a first amended complaint [D.E. 16].

Plaintiff's motion for leave to file a first amended complaint [D.E. 16] is GRANTED. Plaintiff shall file his first amended complaint not later than January 4, 2011. Defendant shall respond to the first amended complaint in accordance with Federal Rule of Civil Procedure 15(a)(3). Defendant's motion to dismiss [D.E.13] is denied as MOOT.

SO ORDERED. This 18 day of December 2010.

JAMES C. DEVER III United States District Judge